

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 91-80936-12
Honorable Patrick J. Duggan

KARL WINGO,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S MOTION FOR
RELIEF FOR A FINAL JUDGMENT PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 60(b)(6)
AND
DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY**

This action is *again* before this Court, this time on Defendant Karl Wingo's motion for relief from judgment, filed pursuant to Federal Rule of Civil Procedure 60(b)(6). In his motion, Defendant essentially is asking for a merits ruling (which he believes he has never received) on his claim challenging his sentence pursuant to *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348 (2000). Defendant has raised his *Apprendi* claim in different iterations at various times in these proceedings. This Court and the Sixth Circuit Court of Appeals have squarely rejected the claim. *See, e.g.*, ECF Nos. 1165; 1016 at 25-27; *United States v. Wingo*, 76 F. App'x 30, 36 (6th Cir. 2003). As such, Defendant is not entitled to

relief from judgment and the Court declines to issue a certificate of appealability with respect to this decision.

Accordingly,

IT IS ORDERED, that Defendant's Motion for Relief from a Final Judgment Pursuant to Federal Rule of Civil Procedure 60(b)(6) is **DENIED**;

IT IS FURTHER ORDERED, that the Court declines to issue a certificate of appealability with respect to this decision.

Dated: August 16, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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